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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,186	07/23/2007	Angel Palacios Orueta	U 016338-7	8847
140	7590	11/25/2011	EXAMINER	
LADAS & PARRY LLP 1040 Avenue of the Americas NEW YORK, NY 10018-3738			UTAMA, ROBERT J	
			ART UNIT	PAPER NUMBER
			3715	
			NOTIFICATION DATE	DELIVERY MODE
			11/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com
nymail@ladas.com

Office Action Summary

Application No.

10/582,186

Applicant(s)

PALACIOS ORUETA, ANGEL

Examiner

ROBERT J. UTAMA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,4-7,16,18,22,24-27,37,47 and 48 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,4-7,16,18,22,24-27,37,47 and 48 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Status of the application

This office action is a response to the amendment and arguments submitted on 10/24/2011.

The current statuses of the claim in the application are as follows: claims 1, 4-7, 16, 18, 22, 24-27, 37, 47-48 are still pending and claims 2-3, 8-15, 17, 19-21, 23, 28-36, 38-46 have been cancelled.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/2011 has been entered.

Specification

2. The amendment filed 04/12/2011 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: base presentation; absolute distance between the current vertical position; the term "reference position"; Amendment to page 29 line 22 and amendment to page 30 line 3.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 4-7, 16, 18, 22, 24-27, 37, 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sameth US 5,697,789 and in view of Walker US 7,036,075**

Claims 1, 22 and 47-48: The Sameth reference provides a teaching of system that facilitates the comprehension of a target language wherein said target language is a foreign language (see col. 2:10-15) or a native language to a user. The Sameth reference provides a teaching wherein said system is applied over one or more samples of such target language, said system is embodied in at least one computerized system, and said system comprises the following means: a memory mean that contain at least one sample of said target language (see col. 7:50-55 and col. 8:55-60); a processing unit with means to query said data store (see col. 3:60-63); a display (see FIG. 7); the graphical structure that is presented to the user in said display (see col. 8:50-55 "dialog balloon"); the end result facilitates the comprehension of the structure of said language sample, facilitates the comprehension of the meaning of said language sample, and also facilitates learning said language when learning is sought by the user (see col. 2:23-27).

The Sameth reference is silent with respect to the limitation of means to adjust a vertical position of the graphical characters that correspond to a group of words which are located between two words of said language sample, said group of words being called an "internal phrase", so that a vertical position of said graphical characters that correspond to the words of said internal phrase is different from the vertical position that they would have had if said graphical character would have been presented in a standard word-by-word and line-by-line text arrangement. However, the Walker reference provides a teaching of means to adjust a vertical position of the graphical characters that correspond to a group of words which are located between two words of said language sample (see col. 8:35-55), so that a vertical

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position of said graphical characters that correspond to the words of said internal phrase is different from the vertical position that they would have had if said graphical character would have been presented in a standard word-by-word and line-by-line text arrangement (see col. 15:34-50 "mini phrase" and "super phrase").

Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of means to adjust a vertical position of the graphical characters that correspond to a group of words which are located between two words of said language sample, so that a vertical position of said graphical characters that correspond to the words of said internal phrase is different from the vertical position that they would have had if said graphical character would have been presented in a standard word-by-word and line-by-line text arrangement, as taught by Walker, in order to break up the sentence into manageable phrases (see col. 10:20-25).

While the Sameth and Walker references do not provide a teaching of naming or calling the term "escalator structure"; At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide a name to certain phrases provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the name of the phrase, and applicant's invention, to perform equally well with either name.

Therefore, it would have been prima facie obvious to modify Sameth and Walker to obtain the invention as specified in claim 1 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Sameth and Walker.

Claims 4 and 24: The Sameth reference provides a teaching of means of identifying and selecting the minimal chosen phrase of a position where the minimal chosen phrase of a position is the chosen phrase that covers that position and that does not contain any other chose phrase that covers that position (see col. 2:15-25).

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Claims 5 and 25: The Sameth reference provides a teaching of one of said perspective comprises means to identify and select the chose phrase that is parent of the chosen phrase that is selected at a given moment (see col. 4:35-55).

Claims 6 and 26: The Sameth reference provides a teaching of comprising means for collapsing produces the effect that the collapsed phrase has reduces the presentation level of at least one of its embedded phrases, wherein reducing the presentation level means to remove said group of characters and insert back said words of a phrase that were removed, and said expanding produces the effect that the chosen phrase increase the presentation level of at least one of its imbedded phrases (see col. 7:50-60).

Claims 7 and 27: The Sameth reference provides a teaching that it is possible to enable and disable different types of phrases, where such disabling produces the effect that said chosen phrases that are disabled do not appear as phrases in said perspectives even though they are assigned an embedding level (see col. 8:20-25).

Claims 16: The Sameth reference fails to provide a teaching of escalator tree is built by using computer text controls that contain full language sample, said text control placed in vertical fashion in the window so that the there exist at least as many control as presentation level, and wherein some group of words in the some control have the same color as the background color, so that they give the impression that said groups of words do not exist thereby producing the effect that some words have a different level than other words. However, the Walker reference escalator tree is built by using computer text controls that contain full language sample, said text control placed in vertical fashion in the window so that the there exist at least as many control as presentation level, and wherein some group of words in the some control have the same color as the background color, so that they give the impression that said groups of words do not exist thereby producing the effect that some words have a different level than other words (see FIG 11 item 200, 202, and 203). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of escalator tree is built by using text controls

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that represents the same text fragment, so that they give the impression that said groups of words do or do not exist, as taught by Walker, in order to break up the sentence into more manageable phrases (see col. 10:20-25).

Claims 18 and 37: The Sameth fails to provide a teaching wherein the levels of the words in the escalator tree are codified by the utilization of special delimiter characters in said text fragment, so that some characters indicate a change of level, and others do not indicate a change of level, where there might be different types of delimiter characters if it necessary to indicate level changes that have different magnitudes. The Walker reference provides a teaching of wherein the levels of the words in the escalator tree are codified by the utilization of special delimiter characters in said text fragment, so that some characters indicate a change of level, and others do not indicate a change of level, where there might be different types of delimiter characters if it necessary to indicate level changes that have different magnitudes (see col. 15:35-50). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of wherein the levels of the words in the escalator tree are codified by the utilization of special delimiter characters in said text fragment, so that some characters indicate a change of level, and others do not indicate a change of level, where there might be different types of delimiter characters if it necessary to indicate level changes that have different magnitudes, as taught by Walker, in order to break up the sentence into more manageable phrases (see col. 10:20-25).

Response to Arguments

5. Applicant's arguments filed 10/24/2011 have been fully considered but they are not persuasive..

6. Applicant's amendment are sufficient to overcome the rejection under 35 U.S.C 112 first and second paragraph. As such, the rejections under 35 U.S.C 112 have been withdrawn.

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7. With respect to applicant's argument that the Sameth reference not refer to the chosen phrase parent's or collapsing or expanding phrases. The examiner respectfully disagrees. The examiner takes the position that the phrase "chosen phrase parent" refers to a part of the phrase. IN this particular case, the Sameth reference provides many phrase (see FIG 9 item 207-209) many of them can be considered to be the phrase parent's. With respect to the limitation of "expanding"; the examiner interpret the limitation of "expanding phrases" as a phrase that is expanded by any mean. In this particular case, the Sameth reference provides a teaching of expanding the phrase " embarrassed" (see col. 4:55-65).

8. With respect to applicant's amendment of having "a delimiter character that is not visible". The examiner takes the position that one interpretation of the word delimiter character also include a space and backspace (see ASCII character). This character is considered to be invisible character.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on 9-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Primary Examiner, Art Unit 3715